
NEED FOR LEGISLATION PROHIBITING MORAL POLICING IN INDIA

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ABSTRACT

Moral policing is a social evil that disrupts the normal social life of the people. By disguising itself as a means to protect culture, security and morals, it punishes normal interactions between people in society and has a disproportionately higher impact on women and the queer community. Even the Honourable Supreme Court of India has flagged the increase in moral policing. Section 294 of IPC 1860 allows for vigilantes who indulge in moral policing to unreasonably trouble people in society. Obscene acts in public places are punishable under Section 294 of IPC. It is also a cognizable offence. However the definition of such an act is nowhere seen in the statute books. Jurisprudence on what constitutes an obscene act is lacking, and therefore, being a cognizable offence, the section allows the police to be complicit in moral policing. Therefore this provision needs to be reexamined. Sections of IPC such as Sections 354A and 351 are sometimes used to take action against those who indulge in moral policing. However, Section 354A is not a gender neutral provision and a threat of assault may not always accompany moral policing to attract charges under section 351. Therefore the need and scope of an anti-moral policing law needs to be examined. This paper examines Section 292 of IPC and explains what constitutes ‘obscenity’ under Indian law. It further examines Section 294 of IPC and reveals the dearth of jurisprudence regarding the same. It further demonstrates the inadequacy of other provisions of the Indian Penal Code in curbing this crime. Through case laws and international agreements, the article contends that a separate legislation is necessary for curbing the menace of moral policing. The final part of this paper provides a sample section that could be inserted into the Indian Penal Code for curtailing incidents of moral policing.

Introduction

All eyes turn to the annual NCRB reports for statistics on crime. However, it can be seen that cases of moral policing are absent in these reports. The reason for this omission is obscenely simple, it is not a crime under the The Indian Penal Code 1860. Moral policing is a broad topic. It refers to the unreasonable patrolling by vigilantes, police or politically motivated people who try to protect their notions of gender, ethnicity, caste, religion and culture from western sways which they see as trying to corrupt Indian patriarchal society.¹ It prohibits straying from established norms of society. It covers instances such as prohibiting public displays of affection, premarital sex, intercaste and interfaith marriage etc. Extreme cases of moral policing lead to heinous crimes such as mob lynching and honour killing. India finds most of its moral policing to be directed towards women. Its aim becomes to control the sexual affairs of women. If we look at cases like the Majnu Operation, Anti-Romeo squads targeted consensual acts between men and women in public.² The harassment of couples, especially women and the queer community is rampant in India and the scope of this article is narrowed to harassment of couples in the name of moral policing. A likely justification for moral policing in the statute books is Section 294, which provides for punishment for obscene acts in public. Section 294 being cognizable allows the police to be complicit in this harassment. However there is no provision that punishes people who unlawfully interfere in the private acts of others. In addition there is a lack of punishment for this kind of harassment and the sections that are applied in some of these cases, such as Section 354A, may not be applicable in others. In addition, if moral policing of couples goes to the extent of attracting Section 354A, there is no remedy for men. Keeping in mind the possibility of a right being violated without availability of a remedy, the need for a separate provision arises. The first part of this article tries to understand which acts attract Section 294. The second part looks at the inadequacy of existing provisions. The third part provides recommendations for reducing this social evil.

Understanding obscene acts under Section 294 of IPC

In the recent past, a bus waiting shed near one of the most prominent engineering colleges in Kerala was vandalised. The bench people sat on was cut up into three pieces to prevent girls

¹ Ahmed, T. and Ahmed, S., 2022. Law, Morality, and Society: The Legal Stance of Vigilantism and Moral Policing in the Context of India. Issue 2 Int'l JL Mgmt. & Human., 5, p.1968.

² *Ibid.*

and boys from sitting together.³ This is the extent to which moral policing has reached in India. The simple act of people of different genders sitting together caused destruction of property. Kerala, although touted to be a progressive and educated state, reels from many such instances of moral policing. The 'Kiss of Love' protest was a non violent protest which originated in Kerala in response to such policing. Many participants of the protest were taken into preventive custody and the event eventually ended in chaos and arrests.⁴ Right wing vigilantes who were against the protest allegedly heavily influenced the actions of the police.⁵ Why is it that a couple in India cannot kiss, hug, hold hands, or even sit together without risking harassment and possible police cases? Is there something that is lending legal weight to excesses of the police against couples? The answer to these lies in section 294 of IPC, 1860. Section 294, allows a maximum imprisonment of three months or a fine or both for anyone who through an obscene act in a public place, causes annoyance to others. The same section allows the same punishment for recitation, utterance or singing of obscene words, songs or ballad, at public places.⁶ A law that frustrates the right to freedom of speech and expression under Article 19 should fall within one of the grounds of reasonable restrictions under Article 19(2). Obscenity needs to fall within the 'decency and morality' restriction in order to be constitutional.

Tests for Obscenity

In the case of *Regina v Hicklin*, what is now in common parlance called Hicklin test was laid down. It tested obscenity by discerning if the material had a tendency to corrupt or deprave susceptible minds.⁷ If this was satisfied then the material would be classified as obscene irrespective of the context of the material.⁸ This interpretation was followed by the Apex Court in the 1965 case, *Ranjit Udeshi v State of Maharashtra*. A bookseller from Bombay named Ranjit Ddeshi was convicted under Section 292. This unfortunate event happened due to his possession of the book 'Lady Chatterleys lover.' He challenged the constitutionality of Section 292 and stated that it unreasonably restricted his rights guaranteed by Article 19. He also

³The Hindu, Corpn. demolishes bus waiting shed outside CET, (Sep 16, 2022 07:56 pm.), <https://www.thehindu.com/news/national/kerala/corpn-demolishes-bus-waiting-shed-outside-cet/article65899721.ece>

⁴Sneha Mary Koshy, NDTV, Kerala 'Kiss of Love' Ends in Chaos, Participants Taken Into Preventive Custody, (Nov 02, 2014 11:01 pm), <https://www.ndtv.com/south/kerala-kiss-of-love-ends-in-chaos-participants-taken-into-preventive-custody-687932>

⁵Bhatia, G., 2016. *Offend, shock, or disturb: Free speech under the Indian Constitution*. Oxford University Press.

⁶The Indian Penal Code, 1860, §294.

⁷*Regina v. Hicklin*, [1868] 3 QB 360.

⁸*Supra note 5*.

contended that the book was not obscene. The court upheld the constitutionality of Section 292 stating that it fell within the reasonable restriction of decency and morality under Article 19(2). After establishing the constitutionality, the court attempted to define obscenity. The court followed the test of Hicklin and stated the following in applying Hicklin to India;

“Obscenity without a preponderating social purpose or profit cannot have the constitutional protection of free speech, and obscenity is treating with sex in a manner appealing to the carnal side of human nature, or having that tendency.”⁹

In the case of *Khushboo vs Kanniammal*, a Tamil actress in an interview expressed her displeasure with Indian society’s expectation that a girl ought to be a virgin at the time of marriage. These statements were seen as enough to “morally corrupt” the youth as per the complainant. The court in this case stated that the test to determine obscenity should be standards of the community in contemporary times that reflects an average reasonable person’s tolerance levels and sensibilities.¹⁰ Therefore the court strayed from the *Udeshi* judgement. A landmark case that departed from the Hicklin test approved in *Udeshi* was the 2014 case *Aveek Sarkar v State of West Bengal*. A photograph taken as a protest against racism, that of a nude Boris Becker and his fiancée was in dispute. The court held that the offending photo was not obscene. It held that for determining obscenity, the Hicklin test is incorrect.¹¹ It stated that obscenity needs to be determined through application of contemporary standards of the community through the eyes of an average person. This was a far more progressive approach than the court’s decision in *Udeshi*. The test was derived from the case of *Roth v. United States*.¹²

Through these cases one can understand what the test of obscenity is. However, one thing that can be noticed in all these above mentioned cases is that they are all related to some work. They are all related to an ‘obscene’ work whether it be a photograph, art, something spoken etc. But what of an act under Section 294? Which act in a public place can be considered to be obscene? It is necessary to look at some landmark case laws with respect to Section 294.

‘Obscene act’ under Section 294

⁹Ranjit D. *Udeshi vs State Of Maharashtra*, 1965 AIR 881.

¹⁰*Khushboo vs Kanniammal* AIR 2010 SC 3196

¹¹*Aveek Sarkar v State of West Bengal* (2014) 4 SCC 257

¹²*Roth v. United States*, 354 U.S. 476

IPC has no definition of what an obscene act is. The meaning has to be gleaned from judicial decisions. For an act to be an offence under Section 294 to be made out, a two pronged test exists;

- i. At a public place, there should be an obscene act or utterance, singing or reciting of any obscene words or songs by the accused.
- ii. This should have caused annoyance.

Would a cabaret dance in a posh hotel attract Section 294? This was a situation that the Honourable High Court of Kerala had to adjudge in *Deepa v SI of Police*.¹³ It was alleged that the cabaret dancers danced in a way so as to arouse lust. They had also exposed their private parts. These acts were allegedly done to the annoyance of the audience. The court ruled that “the acts would deprave and corrupt the minds of those open to such immoral influences”. The court held that the restricted area where the dance was conducted cannot be said to be not a public place just by virtue of the fact that expensive tickets are needed for entry. The court held that it could not be contended that the complainants cannot be annoyed by the acts due to them having full knowledge of what kind of acts would be performed in a cabaret bar. In a similar case, in the *State of Maharashtra v Miss Joyce*,¹⁴ it was held that a posh hotel’s restricted area, entry to which tickets are required, where cabaret dances are conducted could not be said to be a public place. The court stated that having full knowledge of the acts that take place in such an area, if a person buys a ticket to enter, they cannot later claim to have been annoyed by the act due to application of Section 87 and 88 of IPC. Importantly the court stated that Section 294 “..cannot come into play if the person witnessing obscenity is not actually ‘annoyed’ by the obscene act.” The Honourable High Court of Delhi ruled in *Sadhna vs State* that a consenting adult who goes to a cabaret dance and is anticipating obscenity cannot later complain of annoyance.¹⁵ In *Narendra H Khurana v Commissioner of Police* it was held that in order to attract the section it has to be proven that the act annoyed the people who saw it.¹⁶

The aforementioned cases are mostly related to cabaret dances. Questions such as whether a person can be annoyed by witnessing a public display of affection remain unanswered. Section

¹³*Deepa v SI of Police* (1986) Cr LJ 1120 (Ker).

¹⁴*State of Maharashtra v Miss Joyce* (1973) ILR Bom 1299.

¹⁵*Sadhna v State* (1981) 19 DLT 210

¹⁶*Narendra H Khurana v Commissioner of Police* (2004) Cr LJ 3393 (Bom)

294 is essentially a law that aims to prohibit eve teasing.¹⁷ From such a point of view, it is trying to protect the people from any wanted obscene act being exhibited to them. For example, take a hypothetical situation where A, while walking is faced with abusive and sexually coloured remarks being hurled at him. This act would be enough to annoy A and Section 294 would apply. In this respect the section is adequate. But in Indian society, this section provides much leeway for the so called ‘moral police’ to rein in any act which they do not believe to be conforming to their moral standards. This is due to the conspicuous absence of the meaning of the word ‘obscene act’ in Section 294. In the absence of concrete judicial decisions on what is an obscene act to attract a conviction under Section 294, Section 294 is viable for misuse.

Another word in the section that is equally as vague is the word “annoyance”. It is difficult to understand which act caused annoyance and which did not. It was held in the case of *Patel H.M. Malle Gowda vs The State Of Mysore*, where a doctor was faced with sexually coloured remarks, that the fact that people were compelled to complain about the act shows that the act caused annoyance in a public place.¹⁸ This is an absurd test. The filing of a complaint need not necessarily be due to annoyance. It is plausible that it could be filed in the interest of some personal vendetta. These vague terms have not been properly defined through judicial decisions, leaving it to executive authorities to be able to file cases under Section 294 for legitimate acts of physical affection between people such as hugging, kissing etc. Being a cognizable offence it leaves scope for harassment from the hands of police and the public alike.

A case in point is *A & B vs State Thr. N.C.T. Of Delhi & Anr.* In this case a couple was sitting at a metro station taking photos and allegedly engaged in a kiss. They were picked up by the police who charged them with section 294 IPC. The petitioners were allegedly manhandled as well and taken to the police station. They were informed that Rs 20000 needed to be posted for bail. The complaint had allegedly been made by passers by who were “annoyed” by the act. However, the court while quashing the case noted that this annoyance was not proven as the allegedly annoyed people were not even identified. Honourable Justice Muralidhar of the High Court of Delhi stated that he could not understand how ‘obscenity’ could be applied and the coercive legal mechanism could be enforced even if the FIR which stated that the couple kissed in public were true.¹⁹

¹⁷Atchuthen Pillai P. S and K. I Vibhute. 2014. P.s.a. Pillai's Criminal Law. 12th ed. Haryana India: LexisNexis.

¹⁸Patel H.M. *Malle Gowda vs The State Of Mysore* 1973 CriLJ 1047

¹⁹*A & B vs State Thr. N.C.T. Of Delhi & Anr.* 2010 CriLJ 669

This is the major problem with section 294, it can be used to use the state machinery to restrict a legitimate expression of love in public. Cases like *A & B vs State Thr. N.C.T. Of Delhi & Anr.* are extremely rare and are not necessarily followed. When the words are this overbroad it leads to vagueness. A situation is caused where the people are not aware of what they are allowed to do in public and what they are not.²⁰ If we apply the contemporary community standards test we can find that in view of the changing social scenario acts of legitimate physical affection in public such as hugging or kissing would not attract the provisions of Section 294.²¹

Due to the vagueness of Section 294 we can see that it is applied in even absurd circumstances where the victim of an act of sexual harassment is charged under this section. Fifteen years ago Richard Gere, a famous Hollywood star, gratuitously kissed Bollywood actress Shilpa Shetty at an event. Pressure groups saw it as an affront to Indian values and a case was filed against the actress under Section 294. Only in 2022, were the charges dropped by a Bombay court. The court noted that she was the victim of an unwanted advance and dismissed the charges as groundless.²² This shows how lacking the information on what constitutes an obscene act under Section 294 is. The jurisprudence on what an obscene work is under Section 292, although not perfect, is far better developed than jurisprudence on what an obscene act is under Section 294.

As seen in the judgement of J Muralidhar and the Bombay High Court in the Shilpa Shetty case, the judges are able to properly distinguish between what would be an actually obscene act of physical affection and what is not. However, being a cognizable offence and in the absence of more judicial decisions like *A & B vs State Thr. N.C.T. Of Delhi & Anr.* The section is used to punish anyone the police seems fit based on their own standards of morality. If a police officer feels that a couple hugging in public is obscene as per her standard of morality she could charge them under Section 294. Even if the court does let them go, the process becomes the punishment. The wording of Section 294 needs to be changed in such a manner that only intentional, extreme and non-consensual acts are punished under Section 294. The language should not be wide enough to couch any lawful act that causes so called “annoyance”

²⁰*Supra* note 8.

²¹Bhardwaj, S., 2017. Obscenity in the Kiss. Nat'l LU Delhi Stud. LJ, 4, p.158.

²²Sharmeen Hakim, LiveLaw, 'Seems She Is The Victim': Mumbai Court Discharges Shilpa Shetty In Obscenity Case Over 2007 Richard Gere Kissing Incident <https://www.livelaw.in/news-updates/shilpa-shetty-obscenity-case-2007-richard-gere-discharged-mumbai-190281>

to others.²³

Inadequacy of other sections to punish moral policing.

As per lawyers, due to a situation where no proper section exists to punish someone who unlawfully interferes in an engagement between two people, often of the opposite sexes, in public the so called moral police are charged under section 354, 354A and 351 of IPC.²⁴ This is because in most cases of moral policing of couples in India, the offenders resort to verbally abusing, assaulting and in extreme cases sexually harassing the couple.

In a case in Kerala, a husband was picking up his wife at night from the hospital where she worked as a nurse. They were stopped by three people who disregarded the couple's claims that they were married and when the couple resisted the harassment the people assaulted the husband.²⁵ In another case in the same state two couples from North India were harassed on the street. The people harassed the wives and when the husbands resisted this they were assaulted.²⁶ These are scenarios where section 354A, 354 and 351 could be applied, however this is not sufficient in moral policing cases.

It is frequently asserted by people who engage in moral policing that they are only trying to protect women. However, this is not true. It needs to be understood that moral policing and sexual harassment are connected. One does not dispute the fact that there are good samaritans who see a woman in distress and call the police. However, in cases where a consenting couple is engaging in any activity, be it a conversation, a hug, a walk etc when moral policing occurs, the aim is not to protect but to control and harass.²⁷ Section 354A was introduced via the Criminal Law Amendment Act 2013 which was enacted after the 2012 Delhi Gang Rape case. One of the convicts of that case, Mukesh Singh, justified his heinous acts in the following way;

²³Singh, Varsha. Feminism in India, Public Spaces, Obscenity Laws And The Policing Of Affection, (Feb 16, 2022.)

²⁴Bora, Sangeeta. The New Indian Express, "Moral policing, legally speaking". (Aug 1, 2012 8:55 AM). <https://www.newindianexpress.com/cities/bengaluru/2012/aug/01/moral-policing-legally-speaking-392651.html>

²⁵ The Times of India, Moral policing gang attacks couple at Venjaramoodu (May 4, 2022, 03:22 IST). http://timesofindia.indiatimes.com/articleshow/91298110.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

²⁶The Times of India, Thiruvananthapuram: Charge Sheet submitted in assault case on two North Indian couples (Jul 29, 2021 12:58 IST). <https://timesofindia.indiatimes.com/city/thiruvananthapuram/thiruvananthapuram-chargesheet-submitted-in-assault-case-on-two-north-indian-couples/articleshow/84852052.cms>.

²⁷Menon, N., 2009. Sexuality, caste, governmentality: Contests over 'gender in India. *Feminist Review*, 91(1), p.94-112.

"A decent girl won't roam around at nine o'clock at night. A girl is far more responsible for rape than a boy. Housework and housekeeping is for girls, not roaming in discos and bars at night doing wrong things, wearing wrong clothes. About 20% of girls are good." He stated that people had "a right to teach them a lesson".²⁸ India has reached a stage where rapists are defending their animalistic crimes on the ground of enforcing morals. Looking at moral policing as a form of protection needs to be stopped. It has to be looked at for what it really is, a way to harass mentally, physically and sexually.

In cases of moral policing of consenting couples clauses (i) and (iv) of Section 354A of IPC²⁹, relating to remarks and advances of sexual nature, of the section are mostly seen, therefore Section 354A can be applied. However, consider the following scenario;

A, a woman and B, a man, are walking along a street holding hands. A third person approaches A and B and threatens B of physical harm unless they separate their hands and go on their way. In this scenario, although their actions have been threatened, Section 354A cannot apply. As per the explanation to Section 351, for the offence of assault to be made out, mere words will not suffice.³⁰ Therefore, Section 351 also does not apply. Section 354 which concerns itself with outraging the modesty of a woman also cannot apply here.³¹

An unlawful interference has taken place in this scenario however the above mentioned sections do not apply. The only case that can be made out is one for criminal intimidation under section 506. In addition, Section 354A is not a gender neutral offence. In the event of an instance of moral policing towards a couple escalating to attract Section 354A, the male will be left without a remedy. Limitations upon freedoms are imposed on men also through moral policing. The LGBTQ community is a frequent victim of moral policing.³² Gender specific provisions such as Section 354 and 354A does not provide a remedy to a homosexual male couple who expresses their love in public. They could be subject to various kinds of harassment by virtue of Section 294 even though the Supreme Court stated in *Navtej Singh Johar vs Union Of India*;

²⁸BBC, Delhi rapist says victim shouldn't have fought back (Mar 3, 2015). <https://www.bbc.com/news/magazine-31698154>

²⁹The Indian Penal Code, 1860, §354A.

³⁰The Indian Penal Code, 1860, §351.

³¹The Indian Penal Code, 1860, §354.

³²Singh, P., 2016. Between legal recognition and moral policing: Mapping the queer subject in India. *Journal of homosexuality*, 63(3), pp.416-425.

“Any display of affection amongst the members of the LGBT community towards their partners in the public so long as it does not amount to indecency or has the potentiality to disturb public order cannot be bogged down by majority perception.”³³

In the case of a man being brutally beaten up for having a woman of a different community in his car the Honourable High Court of Kerala understood the seriousness of moral policing when it stated “... they were doing moral policing. That means this is an offence involving *mental depravity*.”. The court noted that quashing such cases would send the public a wrong message. It stated that; “Serious offences like murder, rape, dacoity, etc, or other offences of mental depravity under the Indian Penal Code or offences of moral turpitude under special statutes are saved from being considered from quashing on the ground of settlement.”³⁴

Due to this equation of harm caused by moral policing to offences of mental depravity and the inadequacy exhibited by existing laws to punish offenders, taking the intention of the third party being to interfere in a lawful engagement between consenting adults, and due to the nature of the offence involving a direct interference with constitutionally protected rights, a more serious provision needs to be applied. It is contended that a separate provision needs to be included for the offence, not just for punishment but to also enumerate the number of such offences.

Recommendations for prevention of moral policing.

In *Tehseen Poonawala v. Union of India and Ors.* the Supreme Court stated; “There cannot be an investigation, trial, and punishment of any nature on the streets. The process of adjudication takes place within the hallowed precincts of the courts of justice and not on the streets. No one has the right to become the guardian of law claiming that he has to protect the law by any means.”³⁵

India ratified the International Covenant on Civil and Political Rights in 1979. As per Article 253, India has the power to give effect to international treaties to which it is a signatory to. Having ratified the Covenant, India is to bring in legislation which is in line with the articles of

³³Navtej Singh Johar vs Union Of India AIR 2018 SC 4321

³⁴PTI. 'Moral Policing Involves Mental Depravity, Such Cases Can't be Quashed With Settlement': HC, (Mar 23, 2022).<https://thewire.in/law/moral-policing-involves-mental-depravity-such-cases-cant-be-quashed-with-settlement-hc>

³⁵*Tehseen Poonawala v. Union of India and Ors.*(2018) 9 SCC 501

the covenant. As per article 17 of the Covenant;

“(1) No one shall be subjected to arbitrary or unlawful interference with his

privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

(2) Everyone has the right to the protection of the law against such interference or attacks.”³⁶

Moral policing is an unlawful and arbitrary interference with the privacy of an individual. In Justice K.S.Puttaswamy(Retd) vs Union Of India the right to privacy and bodily autonomy was held to be a fundamental right under Article 21 of the constitution.³⁷ In light of the importance given by international bodies and courts to the right to privacy and autonomy, it is pertinent that India should have a law prohibiting moral policing.

The following is a recommendation for a provision that could be inserted into the IPC for prevention of moral policing in the form of harassment.

Moral Policing; Whoever, with the intention of causing harassment, unreasonably interferes with any lawful engagement between two or more people in public or private shall be punished with simple imprisonment for a term which may extend to three years, or fine or both.

Explanation 1; Unreasonable interference refers to situations where the offender does not have any reason to believe that the engagement is unlawful or non- consensual. A person cannot be held under this section for an act of good faith.

Explanation 2; Engagement refers to any activity between two or more persons.

Exception 1; A public servant cannot be charged under this section for lawful discharge of duties.

Illustrations

³⁶ United Nations (General Assembly). 1966. “International Covenant on Civil and Political Rights.” Treaty Series 999 (December): 171.

³⁷Justice K. S. Puttaswamy & Anr. vs Union Of India & Ors. AIR 2017 SC 4161

A sees B and C walking together in a public park. A having no reason to believe that either person is in danger due to the other, drives B and C away from each other. A has committed an offence under this section.

A sees B and C walking together in a public park. B appears to be forcibly dragging C against the will of C. A, who in good faith believed that C was in danger, interferes in the situation. A has not committed an offence under this section.

The insertion of a provision along the lines of the one mentioned above could protect the liberties of the people and could mitigate the vice of moral policing in India. In addition to this, courts should define what an obscene act is under Section 294 or the parliament should amend the section so that lawful engagements of people in public are not affected. Courts should handle cases involving moral policing strictly and should look at cases from the harassment angle. The police who become complicit in moral policing due to public pressure, politics, vague wording of statutes or personal beliefs, should re-examine their role in the public and should be sensitised to public displays of affection and should not interfere in lawful, consensual acts of people in public. This could lead to a more harmonious society where the rights of people are protected.

Conclusion

Moral policing is a scourge in society that ranges from driving away couples in the streets all the way to honour killings and mob lynching. This feeling of moral superiority that fills the minds of people to such an extent that they find it reasonable to engage in such interference should be nipped in the bud. The legislature can start from unlawful interferences in private acts in private and public places. The section of IPC which allows police to be complicit in such acts, Section 294 has been proven to be a bane to consenting adults in any activity. It is the need of the hour that overbroad provisions of the section are sliced off. The jurisprudence on what constitutes an obscene act must be developed further. This article has examined how existing sections are not sufficient to punish the act of moral policing, which is one of the causes of crimes against people, specifically women. Keeping in mind the paramountcy of personal liberties and fundamental rights, international agreements, judicial pronouncements and most importantly, the need to develop a more tolerant and accepting society, provisions specifically prohibiting unlawful interference in activities of people need to be brought in by the legislature.